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Atty Dkt. No.: SMAR-012CIP  
USSN: 10/086,177

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name Donna Macedo

Signature

*Donna Macedo*

Date 07-30-02

|   |                                  |   |
|---|----------------------------------|---|
| <b>PETITION UNDER 37 C.F.R. § 1.47(a)</b><br><br>Address to:<br>Assistant Commissioner for Patents<br>BOX DAC<br>Washington, D.C. 20231 | Attorney Docket Confirmation No. | SMAR-012CIP<br>1250                           |
|   | First Named Inventor             | Tudan et al.                                  |
|   | Application Number               | 10/086,177                                    |
|   | Filing Date                      | 02/26/02                                      |
|   | Group Art Unit                   | 1646  |
|   | Examiner Name                    | N/A   |
|   | Title                            | CXCR Agonist Treatment of Hematopoietic Cells |

PETITION UNDER 37 C.F.R. §1.47(a)

The Assistant Commissioner for Patents  
BOX DAC  
Washington D.C., 20231

Dear Sir,

The Applicants hereby submit this petition under 37 C.F.R. § 1.47(a) to file the above captioned application by inventors Merzouk, Lakhdar, Saxena, Eaves, Cashman, Clark-Lewis and Salari on behalf of Tudan, whose conduct amounts to a refusal to sign.

Enclosed with this petition please find the following:

- Declaration by Mr. Brian Kingwell that demonstrates that the conduct of non-signing inventor Tudan amounts to a refusal to sign.

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The last known addresses of record for non-signing inventor Tudan are:

08 08 2002 08:44:44 10/086,177

01 08:44 10/086,177

Christopher Tudan, Ph.D.  
Cytochroma Inc.,  
116 Barrie Street, Suite 2424,  
Bioscience Complex, Queen's University,  
Kingston Ontario K7L 3N6  
CANADA

In view of the enclosed Declaration, it is respectfully submitted that the Applicants have demonstrated that Inventor Tudan's conduct amounts to a refusal to sign. Therefore, the

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Applicants respectfully request that this petition be granted.

Enclosed with this petition is the requisite fee under 37 C.F.R. 1.17(i).

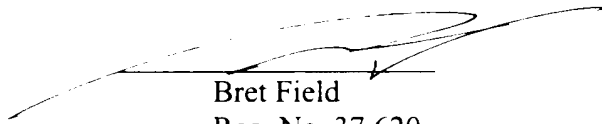
If, in the opinion of the Examiner, a telephonic interview would expedite prosecution of this application, the Examiner is invited to contact the undersigned at (650) 327-3400.

If the Patent Office determines that fees, including extensions of time, are required, the Applicants hereby petition for any required relief, including extensions of time, and authorized the Commissioner to charge the cost of such to our Deposit Account No. 50-0815.

Respectfully Submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: July 30, 2002



Bret Field  
Reg. No. 37,620

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